

Bill No. 3-22  
Concerning: Legislative Branch – Climate Assessments - Required  
Revised: 7/7/2022 Draft No. 6  
Introduced: February 1, 2022  
Enacted: July 12, 2022  
Executive: July 25, 2022  
Effective: October 24, 2022  
Sunset Date: \_\_\_\_\_  
Ch. 17, Laws of Mont. Co. 2022

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsors: Councilmember Hucker and Council President Alborno  
Co-Sponsors: Councilmember Friedson, Council Vice-President Glass, and Councilmembers  
Navarro, Katz, Riemer, Jawando, and Rice

**AN ACT** to:

- (1) require the Director of the Office of Legislative Oversight to prepare a climate assessment for each bill[[, zoning text amendment, master plan, and master plan amendment]];
- (2) require the Planning Board to prepare a climate assessment for each zoning text amendment, master plan, and master plan amendment;
- (3) specify the required contents of a climate assessment;
- [[3)]] (4) require [[an annual report regarding climate assessments]] the publication of climate assessment templates; and
- [[4)]] (5) generally amend the law governing the enactment of legislation.

By adding  
Montgomery County Code  
Chapter 2, Administration  
Section 2-81D

By amending  
Montgomery County Code  
Chapter 33A, Planning Procedures  
Section 33A-14

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec 1. Section 2-81D is added as follows:**

2           **2-81D. Climate Assessments.**

3           (a)    Definitions.   In this Section, the following terms have the meanings  
 4                    indicated.

5                    Director means the Director of the Office of Legislative Oversight or the  
 6                    Director’s designee.

7                    Planning Board means the Montgomery County Planning Board.

8           (b)    Climate assessments required.

9                    (1)    The Director must submit an assessment to the Council describing  
 10                    the climate impact, if any, of each bill[[, zoning text amendment,  
 11                    master plan, and master plan amendment]] under consideration by  
 12                    the Council.

13                   (2)    The Planning Board must submit an assessment to the District  
 14                    Council describing the climate impact, if any, of each zoning text  
 15                    amendment, master plan, and master plan amendment under  
 16                    consideration by the District Council.

17           (c)    Time for submission.

18                   (1)    A climate assessment should be submitted to the Council, [[no  
 19                    more than 21 days after]] or the District Council, at least 7 days  
 20                    prior to a public hearing on a bill, zoning text amendment, master  
 21                    plan, or master plan amendment [[is introduced]].

22                   (2)    If the Director or the Planning Board is unable to submit the  
 23                    assessment within the time required [[by]] under paragraph (1), the  
 24                    Director or the Planning Board must notify the Council President  
 25                    in writing of the delay, the reason for the delay, and the revised  
 26                    delivery date.

27           (3)    If the Council President finds that the revised delivery date is  
 28                     unreasonable, the Council President may set a different delivery  
 29                     date.

30       (d)    Contents of climate assessment.

31           (1)    Each climate assessment must include:

32                     (A)    the sources of information, assumptions, and methodologies  
 33                     used;

34                     (B)    a description of variables that could affect the assessment;  
 35                     and

36                     (C)    if a bill, zoning text amendment, master plan, or master plan  
 37                     amendment is likely to have no climate impact, why that is  
 38                     the case.

39           (2)    Each climate assessment must include:

40                     (A)    the potential positive or negative effects, if any, of the bill,  
 41                     zoning text amendment, master plan, or master plan  
 42                     amendment upon climate change~~[[, including greenhouse~~  
 43                     gas emissions, sequestration, and carbon drawdown]];  
 44                     [[and]]

45                     (B)    quantitative or qualitative evaluations of the identified  
 46                     effects upon greenhouse gas emissions, sequestration, and  
 47                     carbon drawdown; and

48                     ~~[[B]]~~ (C)    quantitative or qualitative evaluations of the of the  
 49                     identified effects upon community resilience and adaptative  
 50                     capacity.

51           (3)    Each climate assessment must identify amendments or other  
 52                     recommendations, if any, that would reduce or eliminate any

53 anticipated negative effects of the bill, zoning text amendment,  
 54 master plan, or master plan amendment upon carbon dioxide  
 55 removal, sequestration, drawdown, community climate resilience,  
 56 and adaptive capacity.

57 (e) Compliance. Council action on a bill, zoning text amendment, master  
 58 plan, or master plan amendment that is otherwise valid is not invalid  
 59 because of any failure to follow the requirements of this Section.

60 [(f) Annual report.

61 (1) The Director annually must submit to the Council a report that  
 62 compiles and analyzes the climate assessments provided during the  
 63 preceding year.

64 (2) The annual report must include findings and recommendations of  
 65 the Director regarding the climate impacts of enacted or pending  
 66 bills, zoning texts amendments, master plans, and master plan  
 67 amendments.]]

68 (f) Templates for climate assessments - required.

69 (1) Templates for the assessment of bills.

70 (A) The Director must develop and publish online a climate  
 71 assessment template to guide the development of climate  
 72 assessments for bills under this Section.

73 (B) At least once every 2 years, the Director must review the  
 74 template and update the template as needed.

75 (2) Templates for the assessment of zoning text amendments and  
 76 master plans.

77 (A) The Planning Board must develop and publish online a  
 78 climate assessment template to guide the development of

79 climate assessments for zoning text amendments, master  
 80 plans, and master plan amendments under this Section.

81 (B) At least once every 2 years, the Planning Board must review  
 82 the template and update the template as needed.

83 **33A-14. Greenhouse Gas Emissions and Racial Equity and Social Justice.**

84 As part of the factors and conditions outlined in Section 21-104 of the Regional  
 85 District Act and Section 1-201 of the Land Use Article of the Maryland Code in  
 86 preparing the Plan, the Planning Board must:

87 (a) ~~[[assess the Plan’s potential impact on greenhouse gas emissions in the~~  
 88 ~~County, including a carbon footprint analysis]]~~ conduct a climate  
 89 assessment under Section 2-81D; and

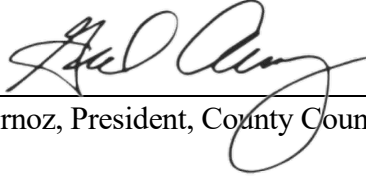
90 ~~[[~~(b) consider ways to reduce vehicle miles traveled in the County;

91 (c) consider options that would minimize greenhouse gas emissions; and]]

92 ~~[[~~(d)] (b) consider the impact of the plan on racial equity and social justice  
 93 in the County, as defined in Section 2-64A.

94 **Section 2. Transition.** The Director of the Office of Legislative Oversight must  
 95 begin providing climate assessments under Section 1 of this Act beginning January 1,  
 96 2023. The Planning Board must begin providing climate assessments under Section 1  
 97 of this Act beginning March 1, 2023.

*Approved:*



7/13/2022

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Gabriel Albornoz, President, County Council

Date

*Approved:*



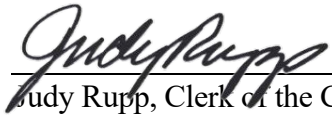
7/25/2022

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Marc Elrich, County Executive

Date

*This is a correct copy of Council action.*



7/25/2022

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Judy Rupp, Clerk of the Council

Date